

David M Miller – WSBA #24586
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Attorney for Defendant
Luis Esquivel-Bolanos

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ESQUIVEL-BALANOSE

Defendant.

No. 23-CR-00047-TOR-2

DEFENDANT'S PROPOSED
VOIR DIRE FOR THE COURT

Mr. Luis Esquivel-Bolanos, through counsel David M Miller, submits the following proposed Voir Dire in advance of the trial and requests that the Court incorporate the Voir Dire questions, and conduct follow-up inquiries depending on the panel members' responses.

Proposed Court Conducted Voir Dire:

1. If you had to vote right now on the guilt or innocence, how many of you

1 would vote to convict? How many would vote to acquit? Why?

2
3 2. Do any of you believe the defendant in a criminal trial should have to
4 prove they are innocent? Why?

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6 3. If a law enforcement officer or federal agent testifies in this case, would
7 you give their testimony any more weight than you would any other
8 witness? Would you give such testimony less weight? Why?

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12 4. Do you believe at the end of the trial that the United States did not
13 prove beyond a reasonable doubt that Mr. Esquivel-Balanos is guilty,
14 but you also believe he is probably guilty, would you have reservations
15 about voting “not guilty”? Why?

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19 5. Do you believe if the United States goes to the trouble of bringing a
20 person to trial, then that person is probably guilty? Why?

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23 6. If at the end of the trial you and your fellow jurors disagreed about the
24 verdict (what is known as a “hung jury”), would you be willing to stand
25 by whatever your decision was even if other jurors feel a different way?

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28 7. Do you believe the law or the courts do too much to protect the rights
29 of a criminal defendant? Do you believe the law or the courts do too
30 much to favor the Government? Why?

1 8. Do you feel othe parties, the defendant and government, are entitled to
2 a fair trial?
3

4 9. I'm going to give you instructions on the law. If you believe you will not
5 be able to follow these, would you please raise your hand?
6
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8 10. Mr. Esquivel-Balanos has the right to remain silent and does not have
9 to testify at trial or to prove he is not guilty. The law does not allow a
10 juror to draw any inference of guilt based upon this silence. Mr
11 Esquivel-Balanos has already pled not guilty. Would it bother you if Mr.
12 Esquivel-Balanos does not testify and give his version of the events?
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14 Why?
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19 11. If law enforcement has significant missing pieces to an investigation,
20 would you have reservations on voting "guilty" or "not guilty"?
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23 **Counsel Conducted Voir Dire.**

24 Counsel intends to follow up on the judge conducted voir dire and/or
25 incorporate questions above that are not asked during judge conducted voir
26 dire. Counsel will also inquire of the venure panel on the presumption of
27
28 innocence, and the burden of proof in relation to the prospective jurors'
29
30 constitutional duties.
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1 The proposed court conducted voir dire may be supplemented upon
2
3 further trial preparation.

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5 Respectfully submitted this 1st day of October, 2024, by:

6
7 /s/ David M. Miller

8 David M. Miller – WSBA #24586

9 Attorney for Mr. Esquivel-Balanos
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AFFIDAVIT OF SERVICE

I declare under penalty of perjury that on this date I electronically filed the foregoing document with the Federal Court Clerk, which will send notification to the Honorable Judge Dimke, U.S. Attorney Pat Cashman, and the US Probation Office. I further declare that a copy was sent to the Defendant via First Class Mail.

Dated this 1st day of October, 2024.

/s/ Lila L Peterson

Assistant to David M. Miller